

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:	)	
	)	
MONEIL MAHENDRA PATEL, M.D.	)	Case No.: 800-2016-027195
	)	
Physician's & Surgeon's	)	OAH No.: 2017020335
Certificate No: A 107791	)	
	)	
Respondent	)	
	)	

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**ORDER OF NON-ADOPTION  
OF PROPOSED DECISION**

The Proposed Decision of the Administrative Law Judge in the above-entitled matter has been **non-adopted**. A panel of the Medical Board of California (Board) will decide the case upon the record, including the transcript and exhibits of the hearing, and upon such written argument as the parties may wish to submit directed to the question of whether the proposed penalty should be modified. The parties will be notified of the date for submission of such argument when the transcript of the above-mentioned hearing becomes available.

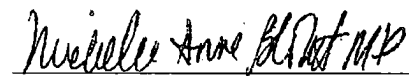
To order a copy of the transcript, please contact Diamond Court Reporters, 1107 2<sup>nd</sup> Street, Suite 210, Sacramento, CA 95814. The telephone number is (916) 498-9288. To order a copy of the exhibits, please submit a written request to this Board.

**In addition, oral argument will only be scheduled if a party files a request for oral argument with the Board within 20 days from the date of this notice.** If a timely request is filed, the Board will serve all parties with written notice of the time, date and place for oral argument. Oral argument shall be directed only to the question of whether the proposed penalty should be modified. Please do not attach to your written argument any documents that are not part of the record as they cannot be considered by the Panel. The Board directs the parties attention to Title 16 of the California Code of Regulations, sections 1364.30 and 1364.32 for additional requirements regarding the submission of oral and written argument.

Please remember to serve the opposing party with a copy of your written argument and any other papers you might file with the Board. The mailing address of the Board is as follows:

MEDICAL BOARD OF CALIFORNIA  
2005 Evergreen Street, Suite 1200  
Sacramento, CA 95815-3831  
(916) 576-3216  
Attention: Robyn Fitzwater

Date: August 10, 2017

  
Michelle Bhlot, M.D., Chair  
Panel B

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

MONEIL MAHENDRA PATEL, M.D.  
Scottsdale, Arizona

Physician's & Surgeon's  
Certificate No. A107791

Respondent.

OAH No. 2017020335

Case No. 800-2016-027195

**PROPOSED DECISION**

Administrative Law Judge Mary-Margaret Anderson, Office of Administrative Hearings, State of California, heard this matter on June 1, 2017, in Oakland, California.

Joshua M. Templet, Deputy Attorney General, represented Kimberly Kirchmeyer, Executive Director, Medical Board of California.

Albert J. Garcia, Attorney at Law, represented Respondent Moneil Mahendra Patel, M.D., who was present.

The record closed on June 1, 2017.

**FACTUAL FINDINGS**

1. Complainant Kimberly Kirchmeyer filed the Accusation in her official capacity as Executive Director of the Medical Board of California (Board).
2. On May 15, 2009, the Board issued Physician's and Surgeon's Certificate No. A107791 to Moneil Mahendra Patel, M.D. (Respondent). Respondent's certificate will expire on August 31, 2018, unless renewed.
3. On October 5, 2016, the Arizona Medical Board issued a "Findings of Fact, Conclusions of Law and Order for Letter of Reprimand and Probation" (Arizona Order) regarding Respondent's medical license in that state. The Arizona Board found that between 2012 and 2014, Respondent engaged in unprofessional conduct by inappropriately prescribing

medication for weight loss for two patients. It found that Respondent prescribed “a variety of controlled substances to Patients SN and MA that were not indicated and [were] issued prior to any patient examination,” and that SN and MA suffered actual harm because they “were subjected to unnecessary therapy.” In addition to the letter of reprimand, Respondent was placed on probation for six months, pursuant to conditions that he complete in-person and intensive continuing medical education (CME) classes including no less than five hours in ethics and a minimum of 15 hours in medical recordkeeping.

4. Respondent’s conduct and the action that the Arizona Board took against Respondent constitute unprofessional conduct within the meaning of California law.

5. On February 25, 2017, Respondent completed a 13-hour course titled “Burnout: Recognition and Prevention” presented by the Texas Medical Association in Fort Worth. He earned six hours of CME credit in ethics. On March 18, 2017, Respondent completed a course titled “Medical Record Keeping” in San Mateo presented by the Western Institute of Legal Medicine, and earned 17 hours of CME credit.

6. By letter dated April 14, 2017, the Arizona Board informed Respondent that he had satisfied the terms and conditions of the Board’s Order and that probation was terminated.

#### *Respondent’s evidence*

7. Respondent was raised in Southern California and graduated from the University of California, Irvine. He earned his medical degree at Ross University School of Medicine, Commonwealth of Dominica, West Indies, and completed an internship and a residency (anatomic pathology/clinical pathology) at New York Medical College, St. Vincent’s Catholic Medical Center. Respondent completed a fellowship in pediatric pathology at the University of Southern California Keck School of Medicine, Children’s Hospital, Los Angeles, in 2010.

8. Respondent and his wife moved to Arizona in 2011. Respondent took a position with Life XMD in Scottsdale, a clinic that specializes in bio-identical hormone replacement therapy (HRT). Respondent saw patients in the facility. He describes the practice as “more cosmetic or elective,” and explained that the focus of treatment was on improving strength or stamina, primarily for men.

At the time he practiced at Life XMD, between 2012 and 2014, Respondent believed that his expertise in laboratory medicine, along with the specific courses and training he completed, would serve him well in an emerging field of medicine. He now believes that more needs to be known about possible long-term side effects of HRT, and chose to leave the practice in 2014.

Since leaving Life XMD, Respondent has been in general practice focusing on pain management and addiction medicine. On Fridays, he works at Corebella Health and Wellness, a private clinic assisting addicts who are struggling to recover from heroin or prescribed

narcotics. In this role, Respondent prescribes medications such as Suboxone and medical marijuana, which is permitted in Arizona pursuant to strict guidelines.

9. Respondent describes a lack of documentation as the most egregious error he made. This is because improper documentation can lead to confusion for the next physician who treats the patient. Respondent asserts that he did conduct proper physical examinations, but he failed to document them thoroughly. He acknowledged that this failure could lead to patient harm. In 2013, he began to use electronic medical records (EMR), and is very pleased with the results.

Respondent described the recordkeeping course he took in San Mateo as "tremendous." He has since further improved his practice in documentation and informed all of his colleagues about the important things he learned. Respondent is particularly enthusiastic about how the use of EMR's allows him to thoroughly document continuity of care in the patient's medical record.

10. Sandeep Lal, M.D., is a hospitalist with Kaiser Permanente in San Leandro. He met Respondent when they were in medical school and they are very good friends. Dr. Lal testified at hearing on Respondent's behalf after working a 12-hour overnight shift. He described his relationship with Respondent as like a brother, and they talk on the phone regularly and take trips together. Dr. Lal opined that Respondent has good values, morals, and integrity, and is always honest and truthful. Dr. Lal has read the pertinent legal documents, but they do not change his mind about Respondent. He noted that Respondent told him about the Arizona action and that Respondent has accepted responsibility for his actions.

11. Matthew Dorchester, D.C., operates a "General Medical and Physical Medicine Therapy Practice" in Arizona. In a letter dated May 13, 2017, he wrote that he is aware of the Arizona Board's action, and strongly disagrees with the outcome, but notes that Respondent has accepted responsibility for the underlying conduct. Dr. Dorchester has worked with Respondent since October 2014, and describes him as a warm and kind friend, who has "lifted himself up out of the emotional turmoil to find a higher ground with an enlightened sense of purpose." He continues to support Respondent, and will continue to employ him in his practice.

12. Mona Amin, D.O., is Respondent's wife. In a letter dated May 18, 2017, she wrote that she has known him since 2007 and that "he is an outstanding physician." He handled the stress of the Arizona Board action "with dignity and compliance." Dr. Amin opined that Respondent is not only knowledgeable, but that "he strives to provide excellent care to his patients and takes the time to assess their problems."

## LEGAL CONCLUSIONS

1. Business and Professions Code section 141, subdivision (a), provides:

For any licensee holding a license issued by a board under the jurisdiction of a department, a disciplinary action by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

Business and Professions Code section 2305 provides:

The revocation, suspension, or other discipline, restriction, or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter, shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state.

2. Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code sections 141 and 2305 by reason of the matters set forth in Findings 3 and 4.

3. Complainant argues that the Arizona Order should inform the discipline in California, and that because there were 11 departures from the standard of care, a term of probation with conditions including a practice monitor and a prescribing course is necessary to protect the public. Respondent contends that a public reprimand and a prescribing course will be sufficient. Respondent is persuasive. The Arizona Order of course informs this matter, but both the factual basis and the discipline imposed are instructive. The Arizona discipline did not include a lengthy term of license probation with multiple, serious conditions. Rather, a six-month term and medical recordkeeping and ethics courses were imposed, and such has been successfully completed. Also, the factual circumstances underlying the discipline occurred in 2012 through 2014, and Respondent has changed his practice in many ways since that time. All things considered, a public reprimand and a requirement that Respondent complete a prescribing practices course will be sufficient to protect the public interest.

## ORDER

Moneil Mahendra Patel, M.D., holder of Physician's and Surgeon's Certificate No. A107791, is publicly reprimanded. In addition, within 90 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for its approval a prescribing practices course. Respondent shall complete the course within six months of the effective date of this Decision, unless the Board or its designee agrees, in writing, to a later time for completion. Respondent shall pay all costs of the course. If Respondent does not comply with this condition, his license shall be automatically suspended until further order of the Board. The course shall be in addition to the continuing medical education requirements for re-licensure.

DATED: June 29, 2017

DocuSigned by:

*Mary Margaret Anderson*

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MARY-MARGARET ANDERSON

Administrative Law Judge

Office of Administrative Hearings